

STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER  
SOUTHCENTRAL REGIONAL LAND OFFICE

**PRELIMINARY DECISION**

**ADL 234013 Éil' Héeni Kéek' Hás, Síis Dúulang, Sisters of the Sea LLC**  
Application for Lease  
AS 38.05.083

This Preliminary Decision (PD) is the initial determination on a proposed disposal of interest in state land and is subject to comments received during the Public Notice period. The public is invited to comment on this Preliminary Decision. The deadline for commenting is **June 15, 2023**. Please see the Comments Section of this decision for details on how and where to send comments for consideration. Only the applicant and those who comment have the right to appeal the Final Finding and Decision.

**Proposed Action:**

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Southcentral Regional Land Office (SCRO) has received a request from Éil' Héeni Kéek' Hás, Síis Dúulang, Sisters of the Sea LLC (SOTS) to lease 62.0 acres more or less, of state owned tide and submerged lands for 10 years for the commercial growth and harvest of four species of kelp: sugar kelp (*Saccharina latissima*), ribbon kelp (*Alaria marginata*), bull kelp (*Nereocystis luetkeana*), and dulce/stiff red ribbon kelp (*Palmaria mollis*), located within Davidson Bay, Kupreanof Island, near Kake, Alaska. The location of the project area is further described as being within Section 13, Township 58 South, Range 73 East, Copper River Meridian.

SCRO is considering the issuance of a 10-year aquatic farmsite lease to SOTS for the purpose of an aquatic farm lease consisting of one parcel totaling 62.0 acres used for a suspended growline culture system for the commercial growth and harvest of sugar kelp, ribbon kelp, bull kelp, and dulce/stiff red ribbon kelp.

**Scope of Review:**

The scope of this decision is to determine if it is in the State's best interest to issue this aquatic farmsite lease.

**Authority:**

This lease application is being adjudicated pursuant to AS 38.05.035 Delegation of the Powers and Duties of the Director; AS 38.05.070(b) Generally; AS 38.05.083 Aquatic Farming and Hatchery Site Leases; and AS 38.05.945 Public Notice. The authority to execute the Preliminary Decision, Final Finding and Decision, and the lease has been delegated to the Regional Manager of SCRO.

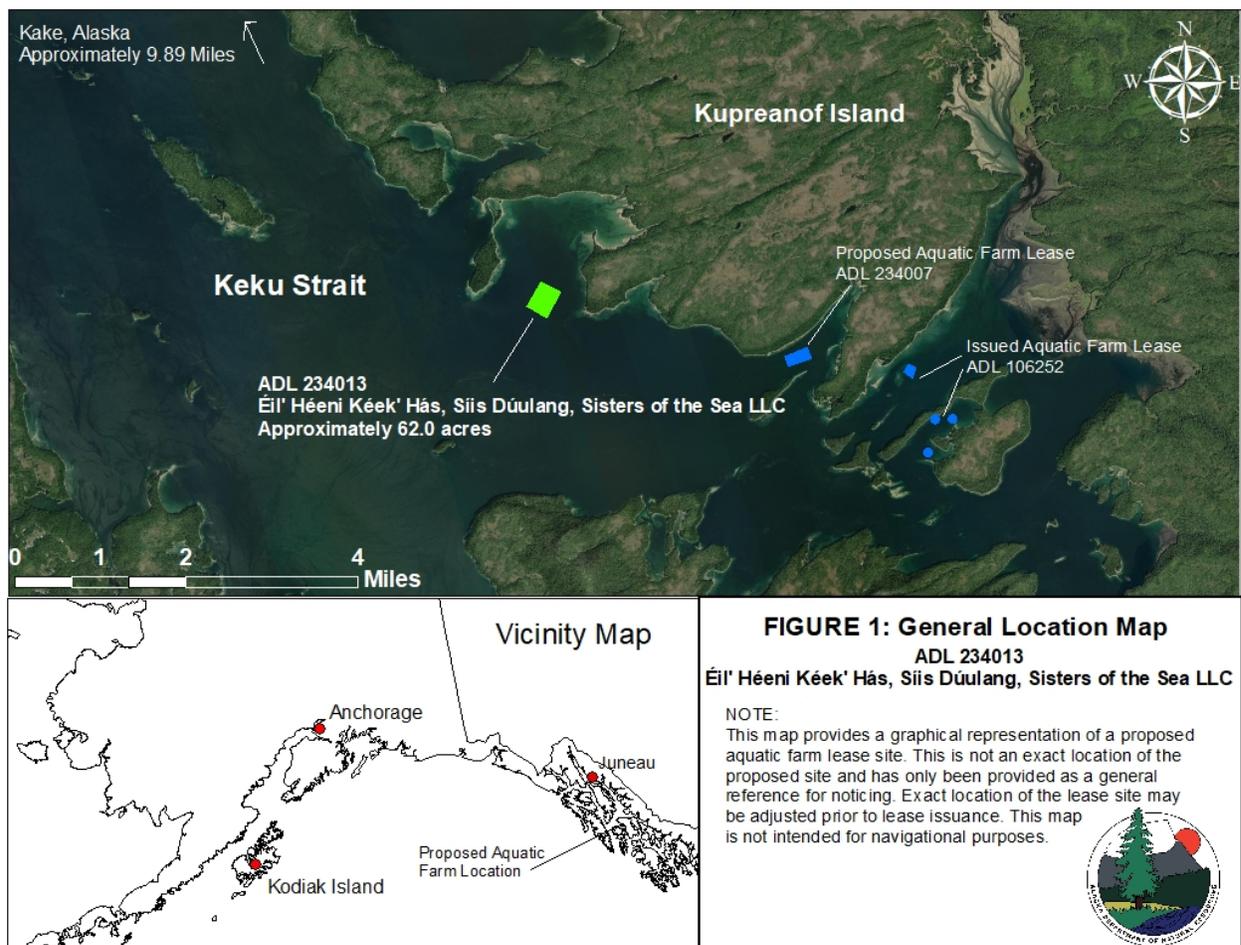
**Administrative Record:**

The administrative record for the proposed action consists of the Constitution of the State of Alaska, the Alaska Land Act as amended, applicable statutes and regulations referenced herein, the 2000 Central/Southern Southeast Area Plan and other classification references described herein, and the casefile for the application serialized by DNR as ADL 234013.

**Legal Description, Location, and Geographical Features:**

The state land where this proposed lease site is located is described as follows:

- **Site reference name:** Davidson Bay
- **Legal description:** Section 13, Township 58 South, Range 73 East, Copper River Meridian, Alaska
- **Geographical locations:** Located within Davidson Bay in Keku Strait, on the northwest side of Kupreanof Island, approximately 9.89 miles south-southeast of Kake, Alaska.



- **Approximate Lat/Longs (NAD 83):**

Parcel 1:        Growout area, 1,815 feet by 1,473 feet, by 1,931 feet, by 1,494 feet  
NE Corner:    56° 50.450'N, 133° 50.480'W  
SE Corner:    56° 50.240'N, 133° 50.900'W  
SW Corner:    56° 50.420'N, 133° 51.189'W  
NW Corner:    56° 50.619'N, 133° 50.789'W

- **Existing surveys:** None
- **Municipality/Borough:** None
- **Native Corporations/Federally Recognized Tribes:** Sealaska Corporation, Kake Tribal Corporation, Organized Village of Kake
- **Size:** 62.0 acres, more or less

**Title:**

A DNR Title Report (RPT-22811) was requested on August 17, 2022, from DMLW's Realty Services Section. A Title Report issued from DMLW's Realty Services Section will state whether the State of Alaska holds title to the subject tidelands under the Equal Footing Doctrine and the Submerged Lands Act of 1953. SCRO reserves the right to modify the Final Finding and Decision based upon information contained within the Title Report.

**Third Party Interests:**

No third-party interests are known at this time.

**Classification and Planning:**

The project area is subject to the Central/Southern Southeast Area Plan (CSSAP), Region 2: Kuiu/West Kupreanof, General Use Tidelands, Map 3-7: Kuiu/West Kupreanof - North. The tideland designation for the proposed site is General Use (Gu), which converts to the classification of Resource Management Land. Land classified resource management is either: 1) land that might have a number of important resources but for which a specific resource allocation decision is not possible because of a lack of adequate resource, economic, or other relevant information, or is not necessary because the land is presently inaccessible and remote and development is not likely to occur within the next 10 years; or 2) land that contains one or more resource values, none of which is of sufficiently high value to merit designation as a primary use (4-3). Chapter 3 of the CSSAP states that in General Use tidelands, it is intended that the standard state/federal permitting process will determine, on a site-by-site basis, whether tideland development is appropriate at a given tideland site (3-56). Uplands near the proposed site are within Tongass National Forest (TNF). Chapter 2 of the CSSAP states that DNR will consult with the U.S. Forest Service when determining compatibility of activities. Generally, permits should not be issued for areas adjoining Tongass Land and Resource Management Plan (TLRMP) prescriptions of Wilderness or adjacent to a National Monument. Chapter 4 of the CSSAP states that, while the CSSAP only makes

decision for state lands, the tideland and upland recommendations of the plan have been coordinate with the U.S. Forest Service and that state land designations were reviewed against those contained in the TLRMP and are believed to be generally compatible with the TLRMP management prescriptions that adjoin state land (4-13). Chapter 4 further states that permitting and other actions that are to be undertaken by the state will be made compatible with the federal upland management prescriptions to the extent practicable and if consistent with the overall best interest of the state. Tideland permitting decisions by the state shall consider the adjacent upland uses permitted under the TLRMP and state decisions shall consider the effects of these actions on adjacent federal lands (4-13).

Chapter 2 of the CSSAP states that in general, all authorizations for use of state land within the planning area will be consistent with the management intent of the plan. In considering authorization for use of state land, DNR will adjudicate applications to: 1) minimize damages to streambeds, fish and wildlife habitat, vegetation, trails, anchorages, and other resources; 2) minimize conflicts between resources and uses; and 3) protect the long-term value of the resource, public safety, and the environment. Chapter 2, continues, stating “if authorizations from other agencies are required, DNR will consider issuing a permit or lease contingent upon issuance of these other authorizations” (2-3). Chapter 2 of the CSSAP also states that in managing State tidelands and submerged lands adjacent to federal conservation units, specifically the Tongass National Forest, DNR will take into consideration the management intent for the uplands identified in the TLRMP. Activities, including aquatic farming operations, that are incompatible with the management intent will generally not be authorized unless the conditions of the other local, state, and federal permits or authorities are met and unless there is an overriding state interest and there is no feasible and prudent alternative (2-6).

The TNF uplands closest to the leasehold are found on Kupreanof Island. Within the TLRMP, the TNF uplands adjacent to Davidson Bay are designated as Semi-Remote Recreation. Semi-Remote Recreation Land Use Designation (LUD) goals are to provide predominantly natural or natural-appearing settings for semi-primitive types of recreation and tourism, and occasional enclaves of concentrated recreation and tourism facilities; and to provide opportunities for a moderate degree of independence, closeness to nature, and self-reliance in environments requiring challenging motorized or non-motorized forms of transportation. The objectives for Semi-Remote Recreation are to manage recreation and tourism use and activities to meet the levels of social encounters, on-site developments, methods of access, and visitor impacts indicated for the Semi-Primitive Recreation Opportunity Spectrum (ROS) classes; to determine on a case-by-case basis whether roads, trails, and other areas should be closed to motorized recreation activities; and permit small-scale, rustic recreation and tourism facilities, and occasional enclaves of concentrated recreation and tourism facilities (3-64). Chapter 4 of the TLRMP states to cooperate with state and federal agencies to meet industry and public needs for aquatic farming programs and ensure compatibility with other resources and activities (4-29).

Aquatic Farming is specifically mentioned in Chapter 2 of the CSSAP with stated goals to “provide opportunities to increase income and diversify the state’s economy through the use of state tidelands and submerged lands for aquatic farming”. Chapter 2 further states that DNR must make a best interest finding before issuing a lease and the proposed operation must be in the best interest of the state before an authorization may be issued (2-5). Aquatic farming will be allowed on state tidelands or submerged lands where there is no significant conflict and the objectives of statute and this management plan are met. The siting of aquatic farming facilities may be more difficult on tidelands designated for log transfer or storage, mineral transfer or access, fish and wildlife habitat, intensive storage areas adjacent to proposed land sales or existing residential areas, anchorages or developed recreation. These areas will be available for aquatic farming if the Department determines in the "best interest" finding that: 1) it is practicable to operate an aquatic farming operation so that it is compatible with the other uses of the immediate area; and 2) the proposed activity is consistent with the management intent of the statute and this management plan. Specific stipulations related to siting, operations, and maintenance may be imposed by the Department in addition to those otherwise required in order to achieve site and use compatibility. In no case will aquatic farming be allowed to foreclose access to mineral, timber, important fish and wildlife resources, or recreation use areas (2-6).

In accordance with the CSSAP, aquatic farming is an allowable use and is therefore consistent with the plan. The proposed operation must be in the best interest of the state before an authorization may be issued. Factors that are to be considered in this decision are identified in 11 AAC 63.050(b).

### **Traditional Use Findings**

The proposed lease is not located within an organized borough. AS 38.05.830 and 11 AAC 63.050(b)(5)(B) require consideration of whether the lease site impacts traditional and existing uses of the site.

The proposed lease falls within the Alaska Department of Fish and Game (ADF&G) Game Management Unit (GMU) 3. ADF&G hunting regulations list black bear, brown/grizzly bear, deer, elk, moose, wolf, and wolverine as species that can be hunted. There are federal subsistence hunting regulations in addition to state subsistence hunting regulations. Federal subsistence regulations list black bear, brown bear, deer, elk, moose, and several other species that can be taken. Trapping regulations for GMU 3 list beaver, coyote, fisher, red fox, lynx, marten, and several other furbearers.

The Southeast Alaska/Yakutat commercial fishery consists of Alaska waters between Cape Suckling on the north and Dixon Entrance on the south. Salmon are harvested in the Southeast Alaska commercial fishery with purse seines, drift gillnets, and with hand and power troll gear. Herring are harvested in winter bait, sac roe, spawn-on-kelp, and bait pound fisheries. Commercially important shellfish species in the region include golden and red king crab,

Dungeness crab, Tanner crab, and pandalid shrimp. Miscellaneous shellfish such as sea cucumber, sea urchins, and geoduck clams are harvested in dive fisheries in the region. ADF&G has management jurisdiction over all groundfish resources within state waters as well as management authority for Demersal Shelf Rockfish, ling cod, and black and blue rock fish in both state and federal waters.

The proposed lease is within the Petersburg-Wrangell Management Area for sport fisheries. All five species of Pacific salmon resident to the waters of the northwest United States and Canada are plentiful in the Petersburg/Wrangell area waters. Although most of the salmon caught in the area come from mixed wild stocks, some strong hatchery runs supplement the area's fishing in and around Petersburg and Wrangell.

Subsistence fishing in Southeast Alaska falls under both state and federal regulations. The major federal land manager in Southeast Alaska is the Tongass National Forest; therefore, federal regulations apply in some waters. The Southeast Alaska/Yakutat subsistence fishery area species include salmon, halibut, herring spawn-on-kelp, shellfish and groundfish. In addition, eulachon, Dolly Varden, trout, and smelt are all taken for subsistence purposes. Depending on the area, salmon can be harvested with set gillnets, drift gillnets, gaffs, spears, beach seines, dip nets, cast nets and hand purse seines. The permit issued for each area specifies the allowable types of gear. Shellfish species taken for subsistence include Dungeness crab, king and tanner crab, shrimp, abalone, geoducks, and scallops. Groundfish species that can be harvested in the subsistence fishery include sablefish, Pacific cod, lingcod, flatfish, walleye Pollock, skates, and all species of rockfish.

ADF&G regulations for the Southeast personal use fishery state salmon, herring, groundfish, king crab, tanner crab, Dungeness crab, shrimp, and scallops can all be harvested.

Chapter 3 of the CSSAP states that the residents of Kake make extensive use of the tidelands throughout the planning area, gathering black seaweed, black mollusks, herring, clams, sea cucumber, sea urchins and seals.

The siting of the proposed aquatic farm should not interfere with traditional and/or existing uses of the area, including commercial or sport fishing, subsistence activities, boat travel, and recreation. Public Notice may reveal more unknown uses. If such information becomes available, any potential or existing conflicts will be addressed in the Final Finding and Decision.

**Access:**

Access to the aquatic farm is by boat from Kake, Alaska.

**Access To and Along Navigable and Public Waters:**

AS 38.05.127 and 11 AAC 51.045 require that before leasing land, SCRO determines if a body of water is navigable and if it is, that SCRO provides for easements or reservations as necessary to

ensure free access to and along the waterbody. The waters of Keku Strait are tidally influenced and thus navigable. However, the lease is entirely within these waters and located further than 50 feet from Mean High Water, thus a .127 easement is not necessary.

### **Public Trust Doctrine:**

Pursuant to AS 38.05.126 all authorizations for this site will be subject to the principles of the Public Trust Doctrine; specifically, the right of the public to use navigable waterways and the land beneath them for: navigation, commerce, fishing, hunting, and other purposes. These rights must be protected to the maximum extent practicable while allowing for the development of this project. As such, SCRO is reserving the right to grant other authorizations to the subject area consistent with the Public Trust Doctrine.

### **Lease Discussion:**

SOTS initially applied for a 10-year aquatic farm lease on April 29, 2022, for a 62.0-acre farmsite to cultivate sugar kelp, bull kelp, ribbon kelp, and dulse/stiff red ribbon kelp within Davidson Bay. A complete application was received by ADF&G and SCRO on July 13, 2022.

The proposed lease will be comprised of one parcel, covering an area of 62.0 acres, more or less. The parcel will measure 1,815 feet by 1,473 feet by 1,931 feet by 1,494 feet. The parcel will contain four identical suspended growout submerged longline arrays, each with the following dimensions: 1,170 feet long by 300 feet wide with 80 growout lines ranging in length from 115 feet to 150 feet of 1/2-inch polydac line. The longlines will be spaced 15 feet apart along the length of each array. Each array will have a 500-pound Danforth anchor attached to all four corners. The entire parcel of four connected arrays will have an additional four anchors, two on each outside edge of the arrays, for a total of 20 anchors in the parcel. Each anchor will be connected to an A4 buoy on the surface by a 3/4-inch polydac tagline. Additionally, each anchor will be connected to the arrays with 40 feet of 1/2-inch galvanized chain connected to 28 feet to 52 feet of 1-inch polydac line. The anchor lines will run to the surface where they will be attached to A2 mooring buoys. The line length will be 2:1 (depth) for scope to maintain a better hold and to keep the array properly suspended in current. A2 gillnet buoys will run down the length of each array in three rows, and the growout lines will be suspended below the surface by a depth control dropper system using 5-gallon buckets filled with cement. Each array will have a total of 21,200 feet of growout lines and the entire parcel will contain 84,800 feet of growout lines. The same gear will be used for all species of kelp cultivated at the site.

Twine-wrapped seed spools will be obtained from a permitted hatchery and seed spools will be out planted in late October or early November by unspooling the seeded twine around the growout lines. The growout lines will be monitored three times a month. Harvest will occur in April or May, harvest equipment will include a gillnet vessel, gillnet reel, knives, and totes. The growout lines will be hooked to the gillnet reel and hauled onto the boat, the kelp will be cut off the lines into totes by hand as it is reeled in. All species will be harvested in this manner. All gear associated

with the site will be installed in October and removed after harvest in May, except the anchors and mooring buoys that will be left onsite year-round. All the anchors will remain with one A2 buoy and one A4 buoy attached. All gear will be stored on the applicant's private uplands in Kake, Alaska when not in use.

At this time the Commercial Use Requirement (CUR) states a farm needs to be making annual sales in excess of \$3,000.00 per acre or \$15,000.00 per farm by the fifth year of operation of aquatic farm product. Failure to meet CUR constitutes a default and may be cause for termination. Annual reports of sales are due January 31 of every year.

The proposed lease will be subject to the terms of DMLW's standard lease document and any Additional Stipulations based, in part, upon the following considerations.

**Development Plan:**

The Development Plan dated April 28, 2022 is accepted by SCRO as complete but may be subject to change based on agency and public review. Should the proposed lease be granted, it is anticipated that the Development Plan will need to be updated throughout the life of the lease as activities and/or infrastructure are added or subtracted. All updates must be approved, in writing, by SCRO before any construction, deconstruction, replacement of infrastructure, or change in activity will be permitted. SCRO reserves the right to require additional agency review and/or public notice for changes that are deemed by SCRO to be beyond the scope of this decision.

**Hazardous Materials and Potential Contaminants:**

No hazardous materials or fuel will be stored on the proposed lease. The use and storage of all hazardous substances must be done in accordance with existing federal, state and local laws. Debris (such as soil) contaminated with used motor oil, solvents, or other chemicals may be classified as a hazardous substance and must be removed from the sites and managed and disposed of in accordance with state and federal law.

**Lease Performance Guaranty (bonding):**

In accordance with AS 38.05.083(e) and 11 AAC 63.080, SOTS will be required to submit a performance guaranty for the lease site.

- **\$6,200.00 Performance Bond:** This bond will remain in place for the life the proposed lease. The bond amount is based upon the level of development, amounts of hazardous material/substances on site, and the perceived liability to the state. This bond will be used to insure the applicant's compliance with the terms and conditions of the lease issued for their project. This bond amount will be subject to periodic adjustments and may be adjusted upon approval of any amendments, assignments, re-appraisals, changes in the development plan, changes in the activities conducted, or changes in the performance of operations conducted on the

authorized premises, and as a result of any violations to one or more of the authorizations associated with this project.

- **Reclamation Bond:** SCRO is reserving the right to require a reclamation bond due to non-compliance issues during the term of the lease or near the end of the life of the project.

**Insurance:**

SOTS will be required to submit proof of liability insurance to SCRO, with the State of Alaska listed as a “NAMED” insured party. SOTS will be responsible for maintaining such insurance throughout the term of the lease.

**Survey:**

In accordance with AS 38.04.045, this short-term lease does not require a survey. However, the State of Alaska reserves the right to require one in the future, should the need arise due to changes in statutes or increased use of the area. SOTS has submitted GPS coordinate point(s) for the four corners of the proposed leasehold.

**Compensation and Appraisal:**

DMLW has approved an administrative lease fee schedule for aquatic farmsites that meet the conditions listed within the schedule. The most current lease fee schedule will be used to establish the fair market rental each lessee must pay. Fees are subject to adjustment per AS 38.05.083(c). The current annual rate for a 62-acre aquatic farm lease is a base fee of \$6,985.00 for the first 60.01 acres and \$82.00 for each additional acre or partial acre. In accordance with the Aquatic Farmsite Fee Schedule, Report No. 2522-15, a breakdown of the lease fee will be as follows:

62 acres (60.01 acres at \$6,985.00) + (2 acres x \$82.00) = **\$7,149.00 per year**

If the applicant does not agree with the fee schedule amount of \$7,149.00, a fair market value determination can be obtained by the applicant. Fair market value is determined by obtaining a DNR approved appraisal of the lease site. If an appraisal is conducted to determine fair market value of the lease site, the applicant will be required to pay the appraised amount and the \$7,149.00 annual fee will no longer be an option. The appraisal cost will be borne by the applicant. The parcel may need to have an approved Alaska Tidelands Survey to accomplish the appraisal. If a survey is required, the cost will be incurred by the applicant.

**Assignment of Lease:**

The proposed lease, if issued, may be transferred or assigned to another individual or corporation **only** with prior written approval from the DMLW. A lease will not be assigned to an entity if that entity does not meet the statutory requirements of the lease or the lease is not in good standing. DMLW reserves the right to amend the terms of the lease prior to assignment.

**Reclamation:**

In accordance with AS 38.05.090(b), all lessees must restore their lease sites to a “good and marketable condition” within 120 days after termination of the lease. What level of reclamation constitutes as being “good and marketable” is at the discretion of SCRO. SCRO is reserving the right to require a reclamation bond due to non-compliance issues during the term of the lease or near the end of the life of the project.

**Agency Notice:**

An Agency Review was conducted starting on August 10, 2022, and ending on August 30, 2022. The following agencies were included in the review:

- DNR DMLW – Mining Section
- DNR DMLW – Water Resources
- DNR DMLW – Resource Assessment and Development
- DNR DMLW – Realty Services
- DNR DMLW – Survey Section
- DNR Southeast Regional Land Office
- DNR Division of Parks and Outdoor Recreation (DPOR)
- DNR DPOR Office of History and Archaeology, State Historic Preservation Office
- DNR Natural Resource Conservation and Development Board
- DNR Division of Oil and Gas
- Alaska Department of Fish and Game
- Alaska Department of Environmental Conservation
- Alaska Department of Transportation and Public Facilities
- Alaska Department of Commerce, Community, and Economic Development
- Alaska Department of Public Safety
- Alaska Mental Health Trust Land Office
- Alaska Association of Conservation Districts
- U.S. Forest Service
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service (USFWS)
- U.S. National Oceanic and Atmospheric Administration
- U.S. Environmental Protection Agency
- U.S. Coast Guard
- City of Kake

**Agency Review Comment(s):**

During the Agency Review, SCRO received comments from three agencies and “no comment” from two agencies.

**ADF&G Comment:**

ADF&G's Permit Coordinator submitted a letter on behalf of ADF&G Division of Commercial Fisheries (Management, Gene Conservation Lab and Fish Pathology), Division of Sport Fish, Division of Wildlife Conservation, Subsistence Section and Habitat Section dated August 26, 2022. Within the August 26, 2022, letter from ADF&G is a Department Advisory, advising the applicant of general conditions pertaining to ADF&G's statutory and regulatory provisions for issuance of an Aquatic Farm Operation Permit (AFOP) if the applicant's project is approved. ADF&G also requests that the August 26, 2022, letter be included in the preliminary decision as an advisory to the applicant and for public reference.

The following concerns and recommendations are noted in the ADF&G letter and may be addressed in the AFOP:

- Marine Mammal Research Program: The application complies with the guidelines set forth with the ADF&G marine mammal mariculture policy. Advisories or mitigation steps recommunicated by NOAA Fisheries National Marine Fisheries Service (NMFS) or the US Fish and Wildlife Service (FWS) to reduce marine mammal disturbances should be followed. Removing all gear from the water during the non-growing season may minimize gear loss, user conflicts, marine mammal entanglement and habitat exclusion potential. Any marine mammal entanglements should be immediately reported to the NMFS 24 hr. Stranding Hotline.
- Subsistence Section: has reviewed this request and has no concerns. The proposed area has a positive customary and traditional use determination for salmon, non-salmon fish, and shellfish. Documented uses of the area during 1987 and 1995 household surveys include fishing, shellfish harvest, and marine mammal hunting.

**SCRO Response:**

SCRO acknowledges ADF&G's comment. As one of the resource managers in the area, ADF&G's input is an important source of information. SCRO relies on input from ADF&G and other stakeholders to advise of any expected impacts and solutions that may fall outside of SCRO's authority. SCRO has provided a copy of ADF&G's August 26, 2022, letter to SOTS. As requested in ADF&G's letter, the PD herein contains ADF&G's letter, which will be advertised for a 30-day public comment period.

Per the development plan submitted by the applicant on April 28, 2022, all gear associated with the site will be installed in October and removed after harvest in May, except the anchors and mooring buoys which will be left onsite year-round.

Pursuant to AS 38.05.126 all authorizations for this site will be subject to the principles of the Public Trust Doctrine; specifically, the right of the public to use navigable waterways and the land

beneath them for: navigation, commerce, fishing, hunting, and other purposes. The siting of the proposed aquatic farm should not interfere with traditional and/or existing uses of the area, including fishing, shellfish harvest, or marine mammal hunting. Public Notice may reveal more unknown uses. If such information becomes available, any potential or existing conflicts will be addressed in the Final Finding and Decision.

DNR's statute and regulations for aquatic farmsite leases do not specify management of aquatic farms relating to fish and game but authorize DNR to issue a lease for state-owned tideland, shoreland or submerged land to develop an aquatic farm. Management of fish and game is within the authority of ADF&G, and as such, SCRO must defer to them and encourages the applicant to work directly with them. ADF&G may add to its operation permit authorization the conditions it deems appropriate. SOTS has been notified that ADF&G may add site-specific conditions to the operations permit.

**USFWS Comment:**

The USFWS provided a letter with comments on August 29, 2022, informing the applicant of their jurisdiction over trust resources in the area of the proposed aquatic farm. These include species protected under the Marine Mammals Protection Act, Migratory Bird Treaty Act, and the Bald and Golden Eagle Protection Act. The USFWS provided site specific information and recommendations (excerpted below) based on known wildlife presence and habitat use in the project area.

*Site-Specific Information:*

The letter included site specific information:

- Sea otter density, potential encounters and disturbance of sea otters, and measures and precautions to avoid harming or harassing sea otters.
- Sea otters in the vicinity of the farm are part of the Southeast Alaska stock of northern sea otters, and they are protected under the Marine Mammal Protection Act.
- Harvest of sea otters by Alaska Native hunters may occur in the area of the lease site and in the transit route to the site from Kake. The applicant is encouraged to reach out to the Organized Village of Kake and ensure farm operations do not disturb harvest activities.
- Occurrence of natural kelp beds adjacent to the proposed farm and measures to minimize impacts to the natural kelp beds.
- The farm location overlaps with the ranges of numerous migratory bird species and Birds of Conservation Concern to the Service.
- The farm would be located in a sea duck key habitat site, disturbance by marine traffic is cited as a threat to sea ducks in this critical area.

*Recommendations:*

- Choose a farm location that avoids or minimizes potential overlap with important habitats.

- Consult with an engineer to confirm the proposed anchor weigh and configuration are sufficient.
- Regularly monitor and maintain aquatic farm structures, lines, moorings, and anchors.
- Minimize the number of vertical lines in the water, remove grow lines and culture gear from the water when not in use, and clean gear on land before transporting.
- Properly dispose of waste materials and reduce the use of plastics.
- Operate vessels at slow speeds (10 knots or less) and in parallel when near marine species.
- Ideally, vessel operators would maintain 437 yards (400 meters) or greater between vessels and marine species, as practicable or if local conditions do not allow for a 437-yard (400-meter) buffer, the buffer may be reduced to 109 yards (100 meters).
- Perform site visits during daylight hours when possible and configure lighting to minimize effects on migratory birds.
- Farm staff should be aware of laws regarding sea otters and contact the Marine Mammals Management Sea Otter Program with any questions about interactions with sea otters or, report injured or entangled sea otters to the Alaska SeaLife Center Stranding Hotline.
- Report injured birds and entangled birds to the Service's sick and injured bird hotline.
- To discuss issues or equipment that were not previously considered in the permit application or that may negatively impact migratory birds and other resources under authority of the Service, contact the Southern Alaska Fish and Wildlife Field Office, Anchorage Fish and Wildlife Conservation Office.

**SCRO Response:**

SCRO acknowledges USFWS' comment. As one of the resource managers in the area, USFWS input is an important source of information. SCRO relies on input from USFWS and other stakeholders to advise on any expected impacts and solutions that may fall outside of SCRO authority. DNR's statutes and regulations authorize SCRO to process requests to use state lands and waters, and to consider issuing a lease for state-owned tideland, shoreland or submerged land to develop aquatic farms. SCRO acknowledges management of marine mammals, migratory birds, and bald and golden eagles is within the authority of USFWS, and as such, SCRO must defer to them and encourages the applicant to work directly with them.

In an email to SCRO on September 14, 2022, SOTS stated that the Organized Village of Kake (OVK) is a key partner in creating opportunities for local kelp farmers and is aware of the proposed lease site. OVK partnered with the Native Conservancy on site assessments around Kake as well and has assessment reports for the sites. Additionally, one of the owners of SOTS serves as the Executive Director of OVK. The applicant has stated that if a letter from OVK would be helpful, they are happy to request one.

Pursuant to 11 AAC 63.110(2), a lease is subject to all applicable federal, state, and local law in effect or placed in effect after its effective date. SCRO has provided a copy of the USFWS letter to SOTS to inform SOTS of these concerns and recommendations.

**DNR DMLW – Water Comment:**

The DNR DMLW Water Section submitted a comment on August 11, 2022, stating, “Based upon the information available it appears that there will not be any significant water use per AS 46.15.180 and 11 AAC 93.035 associated with this application that would require authorization from the Department.

Please advise the applicant that if there is to be any significant use of water associated with the activities outlined within the ADL 234013 Application, then a water use authorization will need to be applied for through the ADNR Water Resources Section, Southeast Office.

Under AS 46.15.180 a person may not construct works for an appropriation, or divert, impound, withdraw, or use a significant amount of water from any source without a permit, certificate of appropriation, or authorization.

Per 11 AAC 93.035 a significant amount of water is defined as any amount of consumptive water use greater than 5,000 gallons from a single source in a single day; or the regular daily or recurring consumptive use of more than 500 gallons per day from a single source for more than 10 days per calendar year; or the non-consumptive use of more than 30,000 gallons per day from a single source; or any water use that may adversely affect the water rights of other appropriators or the public interest.”

**SCRO Response:**

SCRO acknowledges the comment regarding water use and has provided a copy of the comment to SOTS to inform them that if there is to be any significant use of water associated with the activities outlined within the proposed lease, then a water use authorization will need to be applied for through the DNR Water Resources Section, Southeast Regional Land Office.

**Public Notice of the Preliminary Decision:**

Pursuant to AS 38.05.945, this PD will be advertised for a 30-day public comment period. Notice will be posted on the Alaska Online Public Notice System and at the post offices located in Kake, Alaska. Courtesy notices will also be mailed or emailed to neighboring property owners, permit/lease holders, and other interested parties on May 16, 2023, for a 30-day public comment period.

**Comment(s):**

This decision is subject to both public and agency comments and all comments received by the comment deadline will be considered in the Final Finding and Decision. Only those who comment and the applicant have the right to appeal the Final Finding and Decision.

**Written comments about this project must be received in this office no later than June 15, 2023, to be considered.**

To submit comments, please choose one of the following methods:

Postal: Department of Natural Resources  
Southcentral Regional Land Office  
ATTN: Kate Dufault  
550 West 7<sup>th</sup> Avenue Suite 900C  
Anchorage, AK 99501-3577

Phone: (907) 269-8618

E-mail: [kate.dufault@alaska.gov](mailto:kate.dufault@alaska.gov)

Fax: (907) 269-8913

If public comments result in significant changes to the Preliminary Decision, additional public notice may be given. To be eligible to appeal the Final Finding and Decision, a person must provide written comments during the Preliminary Decision comment period per AS 38.05.035(i)-(m).

***Signature Page Follows***

**Recommendation:**

DMLW has completed a review of the information provided by the applicant, examined the relevant land management documents, and has found that this project is consistent with all applicable statutes and regulations. SCRO considered three criteria to determine if this project provided the best interest to the State and the development and enjoyment of its natural resources. The criteria include direct economic benefit to the State, indirect economic benefit to the State, and encouragement of the development of the State’s resources. This authorization provides a direct economic benefit to the State with the collection of one-time filing fees and any yearly rent/fees. The authorization of this lease is in the State’s best interest as it furthers economic development of the State’s aquatic farm industry. It is recommended that SCRO issue a 10-year lease to from Éil' Héeni Kéek' Hás, Síis Dúulang, Sisters of the Sea LLC.

*Kate Dufault* 4/24/2023  


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Kate Dufault Date  
Natural Resource Specialist 2

**Preliminary Decision:**

It is the determination of the Division of Mining, Land, and Water that it may be in the State’s best interest to issue an aquatic farmsite lease to from Éil' Héeni Kéek' Hás, Síis Dúulang, Sisters of the Sea LLC, as described above. Prior to issuance of this lease, the applicant will be required to pay the annual lease fee of \$7,149.00, submit a \$6,200.00 performance bond, and provide proof of liability insurance. This Preliminary Decision shall now proceed to public notice.

*Samantha Carroll* 5/12/2023  


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Samantha Carroll, Regional Manager Date  
Southcentral Regional Land Office  
Division of Mining, Land & Water

**Attachments**

- Attachment A – Project Description, Maps and Diagrams
- Attachment B – ADF&G Letter

# Attachment A

## Project Description, Maps and Diagram

### PROJECT DESCRIPTION

DATE SUBMITTED: \_\_\_\_\_

#### Company Name

Éil' Héeni Kéek' Hás, Siis Dúulang, Sisters of the Sea LLC

**Site Location** *[Include water body, distance from nearest community, any landmarks, general region of Alaska, and whether on state tidal and/or submerged lands or private. Provide enough information to understand where it is located.]*

The proposed aquatic farm site is located in Davidson Bay on the western shore of Kupreanof Island. The site is roughly 9.89 miles from the community of Kake in Southeast Alaska and will be located on state tidal and/or submerged lands (pending a DNR lease).

#### Site Dimensions, Acres for Each Parcel

The proposed site will be roughly 62 acres with the following dimensions:

SW corner to NW corner 1,815 feet

NW corner to NE corner 1,473 feet

NE corner to SE corner 1,931 feet

SE corner to SW corner 1,494 feet

#### Total Acres of All Parcels

62 acres

**Species You Intend to Farm** *[Include scientific and common species name]*

Sugar Kelp (*Saccharina latissima*)

Bull Kelp (*Nereocystis Luetkeana*)

Ribbon Kelp (*Alaria marginata*)

Dulse/Stiff Red Ribbon Kelp (*Palmaria mollis*)

# Attachment A

## Project Description, Maps and Diagram

**Culture Method** [Describe operation activities to be done onsite such as outplanting of seedstock, husbandry techniques to be used (culling, sorting, washing, etc.), maintenance and monitoring activities, management of fouling organisms and incidental species, predator control measures, and schedule of activities such as timing of outplanting seeded lines or adding seedstock into trays, etc. Describe what methods you plan to use based on the definition in [5 AAC 41.400\(6\)](#). "Culture" means to use or the use of methods to manipulate the biology and the physical habitat of a desired species to optimize survival, density, growth rates, uniformity of size, and use of the available habitat, and to efficiently produce a product suitable for a commercial market.]

Twine-wrapped seed spools will be obtained from a permitted hatchery. Seed Spools will be outplanted in late October or early November by unspooling the seed twine around the site growlines. Growlines will be monitored three times a month. No additives or interventions will be used. Harvest will occur in April or May.

**Culture Gear and Equipment (Type, Size, Number, Configuration, Material, and Anchoring System)** [If more than one parcel, indicate what parcel specific gear will be located on. If more than one species, indicate gear to be used for each. Gear includes any structure that holds or protects the organism like trays, tiers of lantern nets, Vexar bags, OysterGro system, grow-out submerged longlines, predator netting, longlines, buoys, depth control systems, etc. Include approximate installation schedule, or if and what gear will remain installed year-round etc.]

Within the site there will be a total of four identical suspended grow-out submerged longlines (arrays) with the following dimensions: 1,170' long x 300' wide with 80 grow-out longlines ranging from 115' - 150' of 1/2" polydac line. The longlines will be 15' apart along the entire length of the array. Each array will have four 500 lb. Danforth anchors (one on each corner). The entire parcel of four connected arrays will have an additional four anchors, two on each outside edge of the arrays, for a total of twenty anchors. Each anchor will be connected to a A4 buoy on the surface by a 3/4" polydac tag line. Additionally, each anchor will be connected to the array with 40' of 1/2" galvanized chain connected to 28" - 52' of 1" polydac line. The anchor lines will run to the surface where it will be attached to A2 mooring buoys. The line length will be 2:1 (depth) for scope to maintain a better hold and to keep the array properly suspended in current. A2 gillnet buoys will run down the length of each array in three lines (left, middle, center). The grow-out longlines will be suspended below the surface by a depth control line dropper system using 5 gallon buckets filled with cement. Each array will have a total of 21,200' of grow-out longline and the entire parcel will contain 84,800' of grow-out longline. The same gear will be used to for all species of kelp cultivated at the site. All gear associated with this site will be installed in October and removed after harvest in May, except the anchors and mooring buoys that will be left onsite year-round. All of the anchors will remain with one A2 and one A4 buoy attached.

See figures 3(a-c) and 5(a-c) for the detailed schematics and specifications.

# Attachment A

## Project Description, Maps and Diagram

**Seed Acquisition Plan (Commercially produced and/or wildstock)** *[Commercially produced juveniles or seed stock must be obtained from an approved seed source. Do you intend to collect wildstock juveniles or natural set organisms for direct culture on your proposed site? Yes/No. If yes, describe collection methods (applicable for indigenous species: i.e. mussels, scallops, abalone, natural set aquatic plants, etc. This does not refer to broodstock collection on behalf of hatcheries for propagation. If increasing number of acquisitions per year, indicate projected amounts per year. Aquatic plant species can be combined into total feet of line per year.]*

Seed will be acquired from a permitted hatchery.

**Harvest Equipment and Method** *[Describe harvest equipment and methods to be used, activities to be done onsite, and schedule of harvest of aquatic farm product. If more than one species, include harvest information for each species or group of species like macroalgae if the harvest information is the same.]*

The aquatic farm will be operational from October to May. The gear will be deployed in October and outplanting will occur at the end of the month or in early November. Harvest will begin at the end of April or beginning of May. The harvest equipment to be used include a gillnet vessel, gillnet reel, knives, and totes. The growline will be hooked to the gillnet reel and haluted onto the boat. The kelp will be cut off into totes by hand as it is reeled in. All species will be harvested in this manner.

**Support Facilities (Type, Size, Number, Configuration, Material, and Anchoring)** *[Support facilities include caretaker facility, storage rafts, work rafts, processing rafts, etc.]*

N/A

# Attachment A

## Project Description, Maps and Diagram

Access to and from Site [Include nearest community, transportation type used and how many times traversing back and forth]

The site will be accessed by boat from Kake, AK three times a month.

Storage Location of Equipment and Gear When Not in Use [Include whether on private lands and nearest community]

All gear will be stored on the applicants private property in Kake, Alaska.

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# Attachment A Project Description, Maps and Diagram

Mariculture Map

Figure 1a - General Location Map - USGS Topo Petersburg D-6 SE



General Location Map  
 Applicant: Éil' Héeni Kéek' Hás, Siis Dūulang, Sisters of the Sea  
 Water body: Davidson Bay, Keku Strait  
 Area/region: Southeast Alaska

Annotations

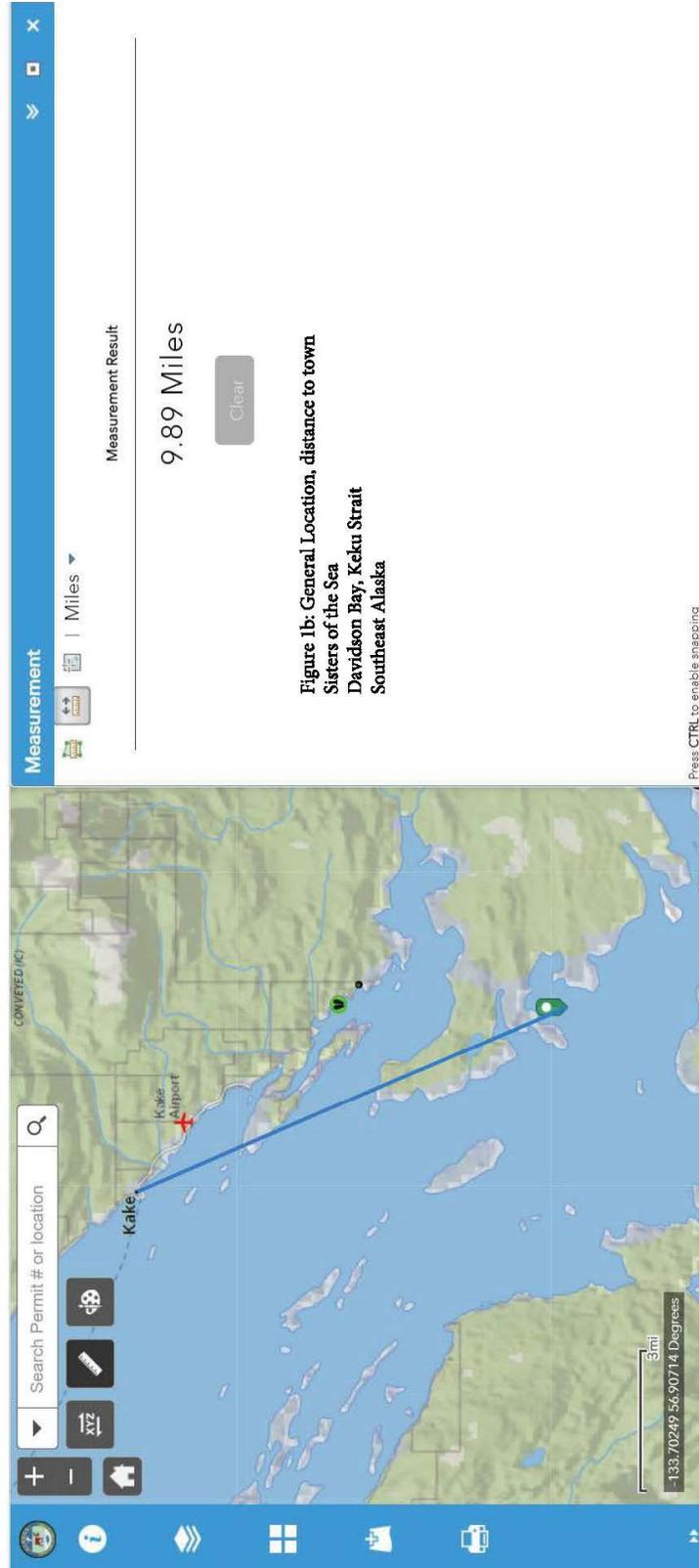
**Bounds**

Area (acre)	62.00
Perimeter (mi)	1.25
<b>Side 1</b>	56.844, -133.846 56.841, -133.841 <b>Length (mi)</b> : 0.28
<b>Side 2</b>	56.841, -133.841 56.837, -133.848 <b>Length (mi)</b> : 0.36
<b>Side 3</b>	56.837, -133.848 56.840, -133.853 <b>Length (mi)</b> : 0.28
<b>Side 4</b>	56.840, -133.853 56.844, -133.846 <b>Length (mi)</b> : 0.34

Transportation

- Alaska Communities

# Attachment A Project Description, Maps and Diagram

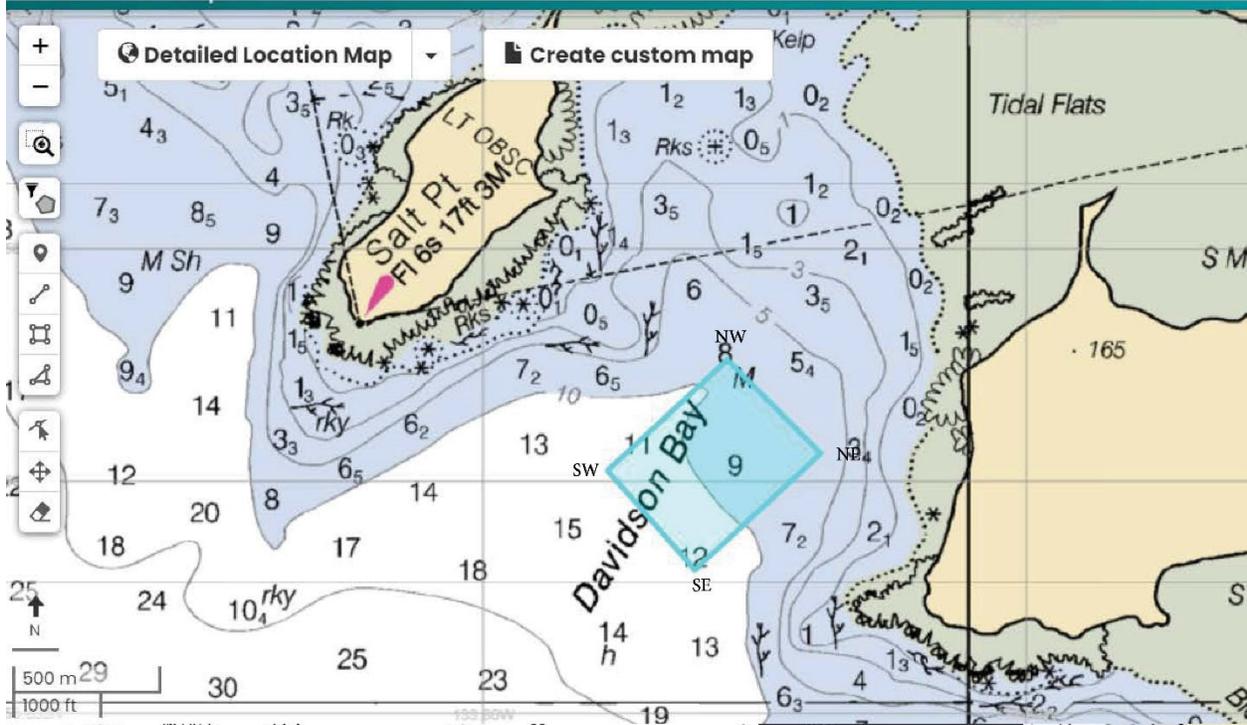


# Attachment A

## Project Description, Maps and Diagram

Mariculture Map

Figure 2 - Detailed Location Map - NOAA Chart US5AKJ3M



Detailed Location Map  
 Applicant: Éil' Héeni Kéek' Hás, Siis Dáulang, Sisters of the Sea  
 Water body: Davidson Bay, Keku Strait  
 Area/region: Southeast, Alaska

Annotations

**Bounds**

<b>Area (acre)</b>	62.00
<b>Perimeter (mi)</b>	1.25
<b>Side 1</b>	56.844, -133.846 56.841, -133.841 <b>Length (mi)</b> : 0.28
<b>Side 2</b>	56.841, -133.841 56.837, -133.848 <b>Length (mi)</b> : 0.36
<b>Side 3</b>	56.837, -133.848 56.840, -133.853 <b>Length (mi)</b> : 0.28
<b>Side 4</b>	56.840, -133.853 56.844, -133.846 <b>Length (mi)</b> : 0.34

Transportation

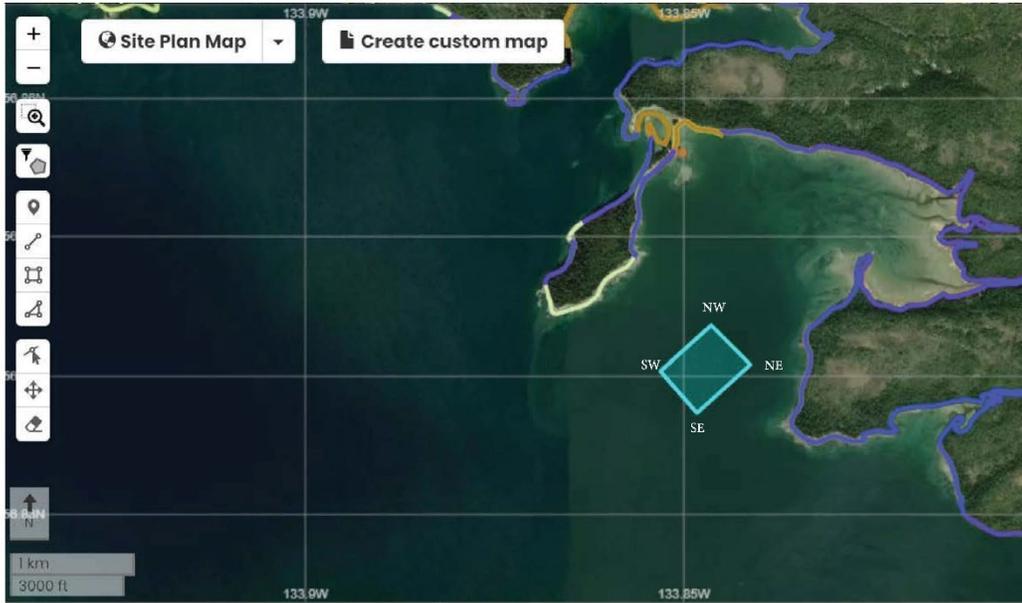
- Alaska Communities

# Attachment A

## Project Description, Maps and Diagram

Mariculture Map

Figure 3a - Site Plan Map - AOS Mariculture Map



Site Plan Map  
 Applicant: Eif' Héeni Kéek' Hás, Sís Dúulang, Sisters of the Sea  
 Water body: Davidson Bay, Keku Strait  
 Area/region: Southeast, Alaska

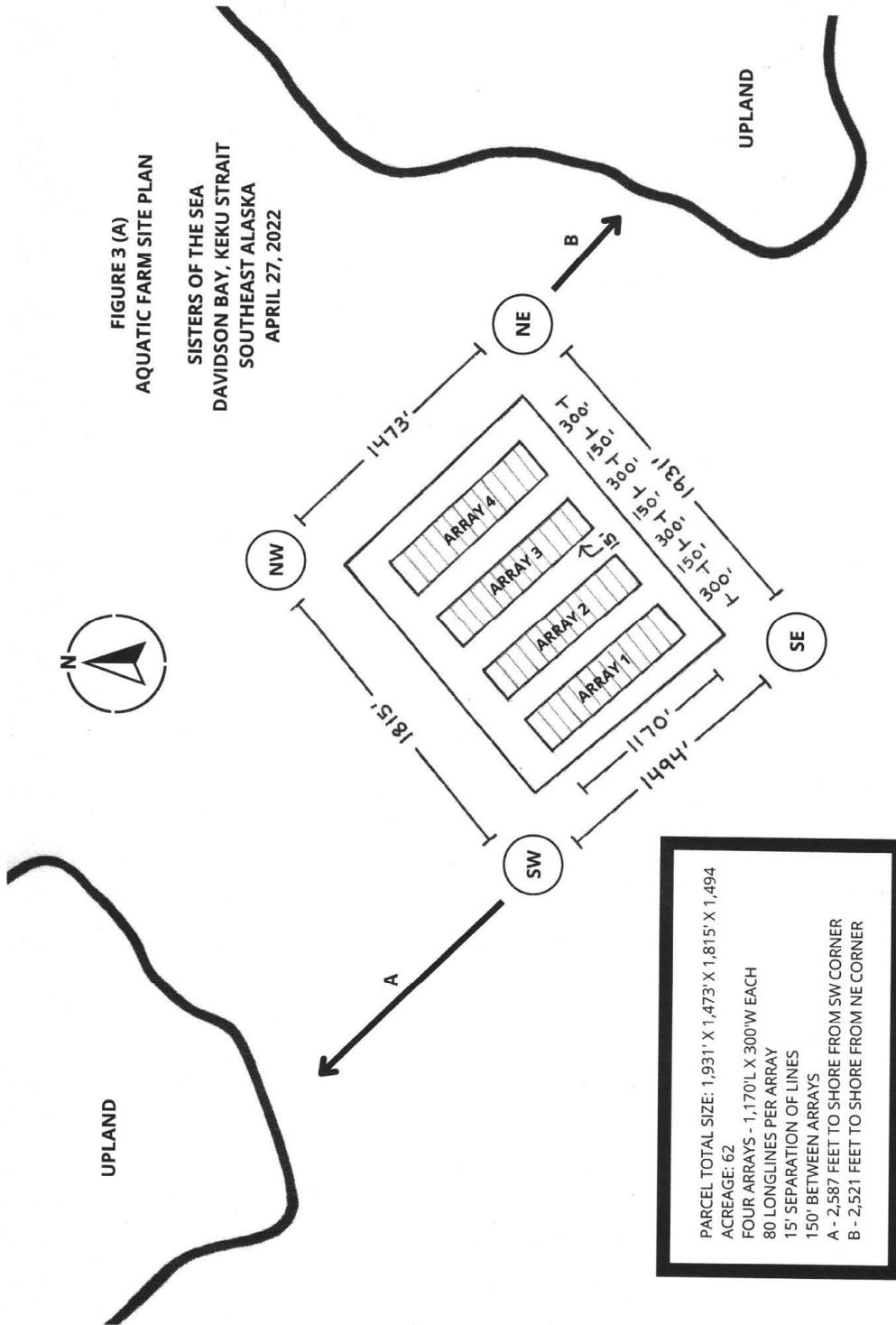
Annotations		Mariculture Biophysical		Alaska Contaminated Sites													
<b>Bounds</b> <table border="1"> <tr> <td>Area (acre)</td> <td>62.00</td> </tr> <tr> <td>Perimeter (mi)</td> <td>1.25</td> </tr> <tr> <td><b>Side 1</b></td> <td>56.844, -133.846 56.841, -133.841 <b>Length (mi)</b> 0.28</td> </tr> <tr> <td><b>Side 2</b></td> <td>56.841, -133.841 56.837, -133.848 <b>Length (mi)</b> 0.36</td> </tr> <tr> <td><b>Side 3</b></td> <td>56.837, -133.848 56.840, -133.853 <b>Length (mi)</b> 0.28</td> </tr> <tr> <td><b>Side 4</b></td> <td>56.840, -133.853 56.844, -133.848 <b>Length (mi)</b> 0.34</td> </tr> </table>		Area (acre)	62.00	Perimeter (mi)	1.25	<b>Side 1</b>	56.844, -133.846 56.841, -133.841 <b>Length (mi)</b> 0.28	<b>Side 2</b>	56.841, -133.841 56.837, -133.848 <b>Length (mi)</b> 0.36	<b>Side 3</b>	56.837, -133.848 56.840, -133.853 <b>Length (mi)</b> 0.28	<b>Side 4</b>	56.840, -133.853 56.844, -133.848 <b>Length (mi)</b> 0.34	<ul style="list-style-type: none"> <li>Seabird Colonies</li> </ul>	<ul style="list-style-type: none"> <li>Alaska Contaminated Sites</li> </ul>		
Area (acre)	62.00																
Perimeter (mi)	1.25																
<b>Side 1</b>	56.844, -133.846 56.841, -133.841 <b>Length (mi)</b> 0.28																
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<b>Side 4</b>	56.840, -133.853 56.844, -133.848 <b>Length (mi)</b> 0.34																
		<ul style="list-style-type: none"> <li>Pacific Herring Spawning Areas</li> </ul>	<ul style="list-style-type: none"> <li>Transportation and Energy Infrastructure</li> <li>Alaska Marine Highway</li> </ul>														
		<ul style="list-style-type: none"> <li>Alaska State Game Refuges</li> </ul>	<ul style="list-style-type: none"> <li>Mariculture Management Areas</li> <li>Alaska State Parks</li> </ul>														
		<ul style="list-style-type: none"> <li>Aquatic Farms</li> </ul>	<ul style="list-style-type: none"> <li>Mariculture Infrastructure</li> <li>Log Transfer Facilities</li> </ul>														

Alaska ShoreZone	Alaska ShoreZone	Alaska ShoreZone
<b>Kelp Biobands</b>  Alaria Patchy Continuous  Soft Brown Kelp Patchy Continuous  Dark Brown Kelp Patchy Continuous  Dragon Kelp Patchy Continuous  Giant Kelp Patchy Continuous  Bull Kelp Patchy Continuous	<b>Alaska ShoreZone</b> <b>Sea Grass Biobands</b>  Surfgrass Patchy Continuous  Eelgrass Patchy Continuous	<b>Alaska ShoreZone</b> <b>Oil Persistence</b> Days Weeks Months Month to Years Years

# Attachment A

## Project Description, Maps and Diagram

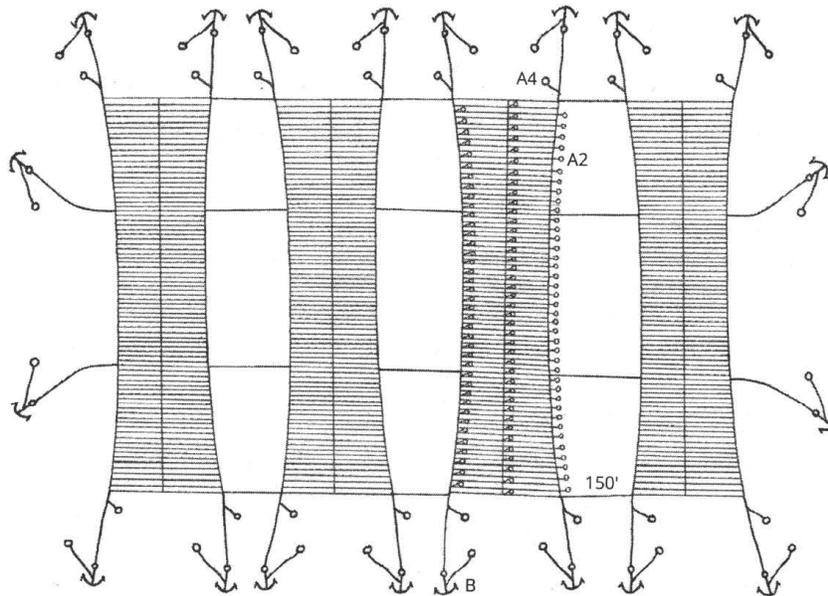


# Attachment A

## Project Description, Maps and Diagram

FIGURE 3 (B)  
ARRAYS DIAGRAM

SISTERS OF THE SEA  
DAVIDSON BAY, KEKU STRAIT  
SOUTHEAST ALASKA  
APRIL 27, 2022



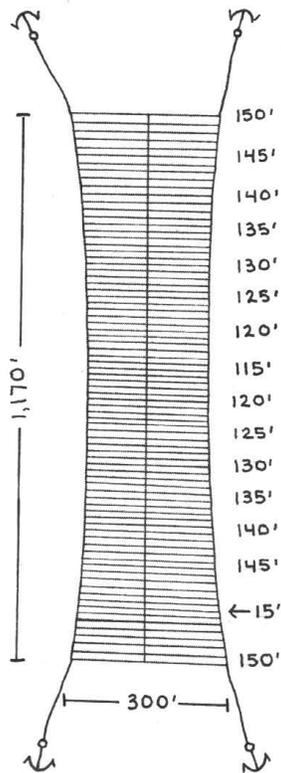
FOUR ARRAYS  
TOTAL SIZE: 1,170'L X 1,650'W  
150 FEET BETWEEN ARRAYS  
A4 - POLYFORM BOUY (LARGE)  
A2 - POLYFORM BOUY (SMALL)  
B - 500LB DANFORTH ANCHORS W/ 40' 1/2 CHAIN  
21,200' GROW-OUT LINES PER ARRAY  
84,800' GROW-OUT LINES TOTAL  
FURTHER DETAIL IN NEXT FIG.

# Attachment A

## Project Description, Maps and Diagram

FIGURE 3 (C)  
SINGLE ARRAY DIAGRAM

SISTERS OF THE SEA  
DAVIDSON BAY, KEKU STRAIT  
SOUTHEAST ALASKA  
APRIL 27, 2022



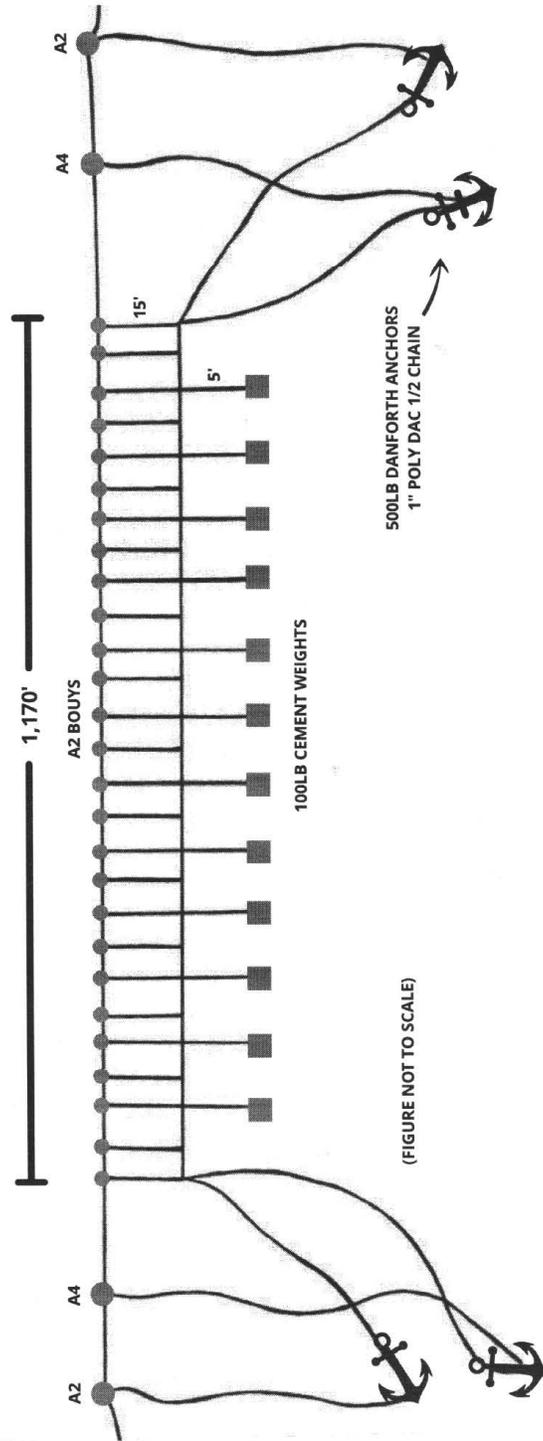
TOTAL SIZE: 1,170'L X 300'W  
80 LONG LINES (150'-115' EACH)  
15' SEPARATION BETWEEN LINES  
15,400' GROW-OUT LINES

# Attachment A

## Project Description, Maps and Diagram

**FIGURE 5 (A)**  
**CROSS-SECTIONAL DIAGRAM**

**SISTERS OF THE SEA**  
**DAVIDSON BAY, KEKU STRAIT**  
**SOUTHEAST ALASKA**  
**APRIL 27, 2022**



(FIGURE NOT TO SCALE)

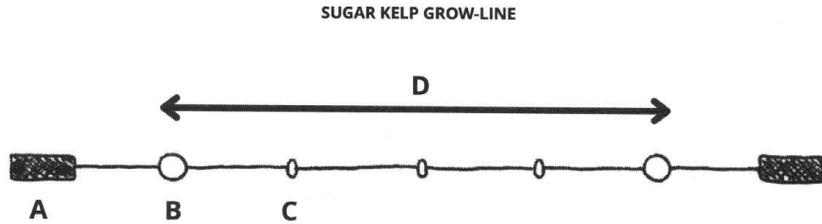
28'-52' DISTANCE FROM BOTTOM OF GEAR TO OCEAN BOTTOM  
 48' WATER DEPTH AT LOW TIDE  
 MUD (MAJOR ON-BOTTOM PHYSICAL FEATURE)

# Attachment A

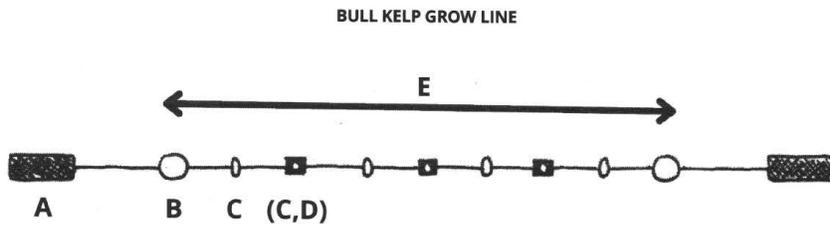
## Project Description, Maps and Diagram

FIGURE 5 (B)  
CLOSE-UP OF SINGLE GROW LINES

SISTERS OF THE SEA  
DAVIDSON BAY, KEKU STRAIT  
SOUTHEAST ALASKA  
APRIL 27, 2022



- A. ANCHOR
- B. A4 GILLNET BOUY
- C. A2 GILLNET BOUY
- D. 48'-72' KELP LONGLINE SECTION



- A. ANCHOR
- B. A4 GILLNET BOUY
- C. WEIGHT (100LB CEMENT)
- D. A2 GILLNET BOUY
- E. 48'-72' KELP LONGLINE SECTION

# Attachment A

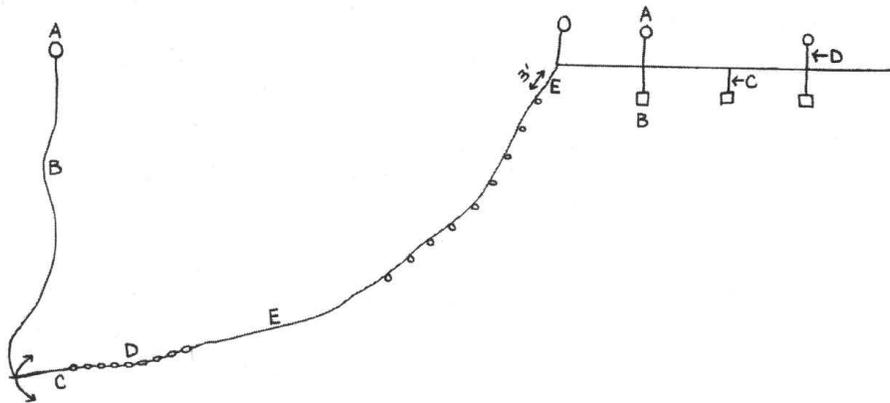
## Project Description, Maps and Diagram

FIGURE 5 (C)  
ANCHOR SYSTEM CONFIGURATION  
BULL KELP

SISTERS OF THE SEA  
DAVIDSON BAY, KEKU STRAIT  
SOUTHEAST ALASKA  
APRIL 27, 2022

A. A2 GILLNET BOUY  
B. 5 GALLON CEMENT BUCKET  
C. 5/16 GROUND LINE 5'  
D. 5/16 GROUND LINE UP TO 30' DEPTH

DEPTH CONTROL LINE DROPPER



A. A4 GILLNET BOUY (100 + LB BUOYANCY)  
B. 3/4 POLY DAC TAG LINE  
C. 500LB DANFORTH ANCHOR  
D. 40' 1/2 GALV. CHAIN  
E. 1" POLY DAC - DEPTH 28'-52', 2:1 SCOPE

# Attachment B ADF&G Letter



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

## Department of Fish and Game

Division of Commercial Fisheries  
Headquarters Office

1255 West 8<sup>th</sup> Street  
P.O. Box 115526  
Juneau, Alaska 99811-5526  
Main: 907.465.4210  
Fax: 907.465.4168  
Permit Coordinator: 907.465.4724

August 26, 2022

Kate Dufault  
Department of Natural Resources  
Southcentral Regional Land Office  
Aquatic Farm Leasing Program  
550 West 7th Avenue, Suite 900C  
Anchorage AK 99501

Re: Alaska Department of Fish and Game Agency Review Comments  
La quen náay, Jackson, Evan / Éil' Héeni Kéek' Hás, Siis Dúulang,  
Sisters of the Sea LLC Aquatic Farm Site Proposal – Davidson Bay  
**DNR File No.: ADL 234013**

Dear Ms. Dufault:

The Alaska Department of Fish and Game (ADF&G) has completed a preliminary review of the project proposal, **ADL 234013** relevant to criteria specified in authorizations for Aquatic Farming AS16.40.105 and 5 AAC 41 200-400. ADF&G Division of Commercial Fisheries (Management, Gene Conservation Lab and Fish Pathology Section), Division of Sport Fish, Division of Wildlife Conservation, Subsistence Section and Habitat Section, were part of the initial review. *There are no concerns pertaining to an aquatic farm operation permit at the proposed location.* Any comments from other government agencies or from the public that may impact applicable department provisions will be considered as part of the final department review for an aquatic farm operation permit which will be issued within 30 days of the lease being issued. Recommendations from this preliminary review are summarized below.

### **Department Advisory**

Please advise the applicant that if the project is approved, general conditions pertaining to Alaska Department of Fish and Game statutory and regulatory provisions for issuance of an Aquatic Farm Operation Permit (AFOP) will be included in the operation permit. In addition, site-specific conditions that have been recommended by staff may be included in the AFOP.

Division of Commercial Fisheries has reviewed this request and have no concerns.

*Gene Conservation Lab* has reviewed this request and have no concerns.  
*Fish Pathology Section* has reviewed this request and have no concerns.

## Attachment B ADF&G Letter

Kate Dufault  
Department of Natural Resources  
Aquatic Farm Proposal ADL 234013 ADF&G Review Comments

- 2 -

August 26, 2022

Division of Sport Fish has reviewed this request and have no concerns.

*Invasive Species Program Coordinator* has reviewed this request and has no concerns.

Division of Wildlife Conservation has reviewed this request and have no concerns.

*Marine Mammal Research Program*: This application complies with the guidelines set forth with the ADF&G marine mammal mariculture policy established on April 12, 2019. Any advisories or mitigation steps recommunicated by NOAA Fisheries National Marine Fisheries Service (NMFS) or the US Fish and Wildlife Service (FWS) to reduce marine mammal disturbances should be followed. Large whales, especially humpbacks, are highly susceptible to entanglement in lines in the water; Removing all gear from the water during the non-growing season may minimize gear loss, user conflicts, and marine mammal entanglement and habitat exclusion potential. Any marine mammal entanglements should be immediately reported to the NMFS 24 hr. Stranding Hotline, phone – (877) 925-7773 and the ADF&G Permit Coordinator (907-465-4724).

*Access Defense Program*: Has reviewed this request and have no concerns.

*Seabird Program*: Has no comment at this time.

Habitat Section has no comment at this time.

Subsistence Section has reviewed this request and have no concerns. The proposed area has a positive customary and traditional use determination for salmon, nonsalmon fish, and shellfish. Documented uses of the area during 1987 and 1995 household surveys include fishing, shellfish harvest, and marine mammal hunting.

Our department requests that the Department of Natural Resources consider providing this in their Preliminary Decision as an advisory to the applicant and for public reference.

Thank you for the opportunity to provide comments on this aquatic farm proposal. If you have any questions, please contact me at (907) 465-4724.

Sincerely,



Michelle Morris  
Permit Coordinator

ecc: Garold V. Pryor, Aquaculture Section Chief, ADF&G  
La quen náay, Jackson, Evan  
Éil' Héeni Kéek' Hás, Siis Dúulang, Sisters of the Sea LLC